



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Pam Shannon
Clearinghouse Director

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Assistant Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 12-022

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

1. Statutory Authority

The agency should review the statutes that it cites for statutory authority. It appears that some of the statutes cited for statutory authority do not confer rule-making authority for the proposed rule. For example, s. 23.11 (1), Stats., describes the general powers of the agency. A statute describing an agency’s general powers or duties does not confer rule-making authority on the agency. [s. 1.02 (2m), Manual; s. 227.11 (2) (a) 2., Stats.]

4. Adequacy of References to Related Statutes, Rules and Forms

In the rule summary and proposed rule, references to statutes should be followed by “Stats.”, not “Wis. Stats.” [s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. NR 19.058, the use of parentheses should be avoided. [s. 1.01 (6), Manual.] Instead, the agency might consider replacing “(Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer’s Harbor, and the Fox River from its mouth up to the dam at DePere)” with “, as defined in s. 29.001 (63), Stats.”. Alternatively, the agency could create a definition of “outlying waters” in s. NR 19.058. [s. 1.01 (7), Manual.]